

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

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GARY WILLIAM HOLT,	)	
	)	
Petitioner,	)	
	)	
vs.	)	No. 1:15-cv-1273-JDB-egb
	)	
UNITED STATE PAROLE COMMISSION,	)	
ET AL.,	)	
	)	
Respondents.	)	

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ORDER DIRECTING PETITIONER TO FILE A PROPERLY COMPLETED  
*IN FORMA PAUPERIS* AFFIDAVIT OR PAY THE HABEAS CORPUS FILING FEE

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On November 9, 2015, Petitioner, Gary William Holt, a resident of Friendship, Tennessee, filed a *pro se* petition pursuant to 28 U.S.C. § 2241, along with an application seeking leave to proceed *in forma pauperis*. (ECF Nos. 1 & 2.)

Federal law provides that the clerk of each district court shall require the parties instituting any civil action, suit or proceeding in such court, whether by original process, removal or otherwise, to pay a filing fee. The filing fee for a petition for writ of habeas corpus is \$5.00. 28 U.S.C. § 1914(a). To ensure access to the courts, however, 28 U.S.C. § 1915(a) permits an indigent petitioner to avoid payment of filing fees by filing an *in forma pauperis* affidavit. Under that section, the Court must conduct a satisfactory inquiry into the petitioner's ability to pay the filing fee and prosecute the lawsuit. A petitioner seeking *in forma pauperis* standing must respond fully to the questions on the Court's *in forma pauperis* form and execute the affidavit in compliance with the certification requirements contained in 28 U.S.C. § 1746. *See, e.g., Reynolds v. Federal Bur. of Prisons*, 30 F. App'x 574 (6<sup>th</sup> Cir. 2002); *Broque v. Fort Knox*

*Fed. Credit Union*, No. 86-1896, 1997 WL 242043 (6<sup>th</sup> Cir. May 8, 1997).

In this case, Petitioner's motion to proceed *in forma pauperis* does not provided the Court with sufficient financial information to determine if Petitioner is unable to pay the habeas filing fee. The required information and total has not been entered for section one (1), total monthly income expected next month. The total has not been entered for section eight (8), estimated average monthly expenses. The petitioner is ORDERED to either submit a properly executed *in forma pauperis* affidavit or pay the \$5.00 habeas filing fee within thirty (30) days after the date of this order. The Clerk is directed to send Petitioner a copy of the non prisoner *in forma pauperis* affidavit along with this order.

Failure to comply in a timely manner with this order will result in dismissal of this action without further notice for failure to prosecute, pursuant to Fed. R. Civ. P. 41(b).

IT IS SO ORDERED, this 10th day of November, 2015.

**s/ J. DANIEL BREEN**

J. DANIEL BREEN

CHIEF UNITED STATES DISTRICT JUDGE